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Report

drawn up on behalf of the Legal Affairs Committee

on an amendment to Rule 33 of the Rules of Procedure of the European
Parliament, concerning the quorum in plenary sitting and to Rule 41 concerning
the quorum for committee meetings

Rapporteur : Mr L. JOZEAU-MARIGNÉ

PE 34.042/final

By letter of 6 July, 1973, the President of the European Parliament invited the Legal Affairs Committee, on behalf of the enlarged Bureau, to submit a motion for a resolution with a view to amending Rule 33(2) and (4) of the Rules of Procedure of the European Parliament concerning the quorum in plenary sittings.

Mr. Jozeau-Marigné was appointed rapporteur on 6 September 1973.

At its meeting of 27 September 1973, the Legal Affairs Committee discussed and adopted this report unanimously.

The following were present: Mr Schuijt, chairman, Mr Jozeau-Marigné, vice-chairman and rapporteur, Mr Adams (deputizing for Mr Ballardini), Mr Armengaud, Mr Behrendt (deputizing for Mr Bermani), Mr Brewis, Mr Broeksz, Mr Brugger, Mr D'Angelosante, Mr Duval, Mr Heger, Mr Lautenschlager and Mrs Nielsen.

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The Legal Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement.

MOTION FOR A RESOLUTION

on an amendment to Rule 33 of the Rules of Procedure of the European Parliament concerning the quorum in plenary sitting and Rule 41 concerning the quorum for committee meetings.

The European Parliament,

- having regard to its Rules of Procedure,
- having regard to the report by the Legal Affairs Committee
(Doc. 183 /73)

1. Decides to amend as follows Rules 33 and 41 of its Rules of Procedure:

Rule 33

Para. (1) unchanged

Para. (2) A quorum shall exist when one third of the current members of Parliament are present.

Para. (3) unchanged

Para. (4) A vote by roll call shall be valid only if one third of the current members of Parliament have taken part in it. However, if so requested before the voting has begun by a political group or at least 30 Representatives, present, it shall be valid only if a majority of the current members of Parliament have taken part in it.

Para. (5) unchanged

Rule 41

Para. (1) unchanged

Para. (2) A committee may validly deliberate and vote when one third of its current members are present. However, if so requested by one-sixth of its members before voting begins, the vote shall be valid only if the number of voters represents an absolute majority of the committee members.

Paras. (3)
to (9) unchanged

2. Instructs its President to forward this resolution to the Council and Commission of the European Communities for their information.

EXPLANATORY STATEMENTI. CIRCUMSTANCES, CONTENT AND PURPOSE OF THE PROPOSED AMENDMENT

1. The request for an amendment submitted for your consideration was put forward to the Bureau by the working party responsible for examining the procedures and working methods of the European Parliament; it is based on a desire to allow members, in practice, to ask for a vote by roll call more frequently than is at present the case; this is the only way in which the names of those taking part and the number of votes cast can be recorded and published.

The members of the enlarged Bureau have approved the proposed amendments put forward by the above-mentioned working party.

2. It is proposed in the memorandum¹ submitted by the working party that paragraphs 2 and 4 of Rule 33 of the Rules of Procedure should read as follows:

'2. A quorum shall exist when one third of the current members of Parliament are present.

4. A vote by roll call shall be valid only if one third of the current members of Parliament have taken part in it. However, if so requested by at least 30 Representatives before the voting has begun, it shall be valid only if a majority of the current members of Parliament have taken part in it.'

3. The amended text clearly shows that the proposed amendment is designed to establish a dual quorum system for plenary sittings on the model of that laid down in Rule 41 (2) (the text of which is given in the annex) for the Parliamentary committees.

The Legal Affairs Committee found that this Rule in contrast to Rule 33 - defines the quorum without specifying that it must be calculated with reference to the number of current members. It considered that, for greater clarity, Rule 41(2) should be amended accordingly to read as follows:

'2. A committee may validly deliberate and vote when one-third of its current members are present. However, if so requested by one-sixth of its members before voting begins, the vote shall be valid only if the number of voters represents an absolute majority of the committee members.'

II. COMMENTS ON THE AMENDMENT

It is possible to look at the amendment from two points of view:

¹ Memorandum by Mr Kirk, PE 33.201

4. As regards the rights of minorities, the situation is unchanged: The number of Representatives required - whether for requesting verification of the quorum for voting other than by roll call¹ or requesting a vote by roll call² - remains unchanged at ten.

5. Measures to ensure the smooth running of the work of Parliament should be improved.

It is often felt that the question of the quorum poses a threat to the work of an assembly, since where a quorum is lacking the deliberations held or votes cast are null and void. It is, therefore, reasonable to support any rule which, while respecting the rights of minorities, reduces the risk of a request for verification of the quorum being used as a means of obstruction.

6. As the quorum in plenary sittings would in future be fixed at one third of the current members of the European Parliament, a request for verification of the quorum - in particular by requesting a vote by roll call - could no longer be seen as a tactic inspired by any other motive than a desire to achieve clarity in respect of the subsequent vote.

The possibility³, subject to the agreement of at least 30 members, of asking for the quorum to be fixed at a majority of current members - for such a vote by roll call - will enable a relatively large number of Representatives, where appropriate, to demand that on particularly important matters Parliament should express its opinion by a vote in which those taking part will be shown by name in the minutes, in accordance with the provisions of the third paragraph of Rule 35(4) of the Rules of Procedure.

7. The Legal Affairs Committee considered that, in view of the part played by the political groups in the life of Parliament and the rights which they enjoy under the Rules of Procedure⁴, they should also be given the opportunity to ask for the quorum to be fixed at a majority of current members for a vote by roll call. The Legal Affairs Committee also thought that the new Rule 33(4) should state that when such a request is submitted by representatives it must be made by representatives who are present; this is why the committee proposes that Rule 33(4) should be worded as follows:

'A vote by roll call shall be valid only if one third of the current members of Parliament have taken part in it. However, if so requested, before the voting has begun, by a political group or at least 30 representatives present, it shall be valid only if a majority of the current members of Parliament have taken part in it.'

¹ Rule 33(3)

² See Rule 35(3)

³ See end of new Rule 33(4)

⁴ See Rule 47(1) and (2) and Rule 47A(2).

III. CONCLUSION

8. Having regard to the above comments, the Legal Affairs Committee invites the European Parliament to approve the amendment submitted for its consideration and explained in the above paragraph.

It wishes to emphasize however that, in this matter as in many others, the smooth running of the work of an assembly undoubtedly depends more on the wisdom and goodwill of its members than on the text of its Rules of Procedure.

(a) Treaty establishing the EEC

Article 141, Paragraph 2

'The rules of procedure (of the Parliament) shall determine the quorum.'

(b) Rules of Procedure of the European Parliament

1. The quorum in plenary sittings

Rule 33

- '1. The Parliament may deliberate, settle its agenda and approve the minutes of proceedings, whatever the number of Representatives present.
2. A quorum shall exist when a majority of the current members of Parliament is present.
3. All votes other than votes by roll call shall be valid whatever the number of voters unless, before the voting has begun, the President has been requested by at least ten Representatives to ascertain the number of those present.
4. A vote by roll call shall be valid only if a majority of the current members of Parliament have taken part in it.
5. Should this not be the case, the vote shall be placed on the agenda of the next sitting.'

Rule 35

- '1. Normally Parliament shall vote by show of hands.
3.whenever ten or more Representatives so desire,.... the vote shall be taken by roll call.
4. The roll shall be called in alphabetical order, beginning with the name of a Representative drawn by lot. The President shall be the last to be called to vote.....
.....
.....
Votes shall be recorded in the minutes of proceedings of proceedings of the sitting in the alphabetical order of Representatives' names.'

2. The quorum in committees

Rule 41

'2. A committee may validly deliberate and vote when one third of its members are present. However, if so requested by one sixth of its members before voting begins, the vote shall be valid only if the number of voters represents an absolute majority of the committee members. '